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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,986

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Louis B. Rosenberg

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12/12/2008

IMMERSSION - NIXON PEABODY LLP

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EXAMINER

ABDULSELAM, ABBAS I

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

12/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/615,986	Applicant(s) ROSENBERG ET AL.	
	Examiner ABBAS I. ABDULSELAM	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to a communication filed on 08/13//2008. Claims 65-71 are pending, and claims 1-64 are canceled.

Response to Arguments

2. Applicant's arguments filed on 08/13/2008 have been fully considered but they are not persuasive.

Applicant argues that the cited reference Fujita et al (USPN 6118435) does not teach a “first piezoelectric actuator directly coupled to the touch screen”. The Examiner disagrees with the applicant’s argument. As shown in the art rejection below, Fujita configures a driving portion 5 to the touch panel 3 as shown in Fig. 1. Fujita teaches with respect to Fig.1 that disposed under the touch panel 3, and the touch-panel support plate 4, is at least one driving portion 5 for mechanically driving the touch panel 3 such that a press detection switch 6 is provided between the touch panel 3 and the touch-panel support plate 4. Clearly the presence of elements (4, 6) in the Figure 1 does not prevent a driving portion 5 to be “directly coupled” to the touch panel 3, and hence Fujita’s driving portion 5 and touch panel as configured in Fig. 1 reads over a claim limitation, "a first piezoelectric actuator directly coupled to the touch screen”. Note that as opposed to a claim language, “direct connection”, a claim language “direct coupling” is not necessarily limited between only two elements.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 65-71 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al (USPN 6118435).

Regarding claim 65, Fujita teaches a display (6) and a touch panel (3) disposed above and close to the display screen. Fujita teaches that disposed under the touch panel (3) and the touch-panel support plate (4) is at least one driving portion (5) for mechanically driving the touch panel (3) and the like thereby to give a tactile feedback, such as vibration, to an operator of the touch panel (3). Fujita further teaches that the press detection switch 6 may employ a pressure sensitive switch composed of a piezoelectric element (col. 4, lines 1-50, Fig. 1 (3, 6) and Fig. 2 (SS)). Note that as shown in Fig. 1, Fujita configures a driving portion 5 to the touch panel 3. Fujita's driving portion 5 and touch panel as configured in Fig. 1 reads over a claim limitation, "a first piezoelectric actuator directly coupled to the touch screen". Note that the configuration of support plate (4) and switch (6) in the Figure is ok since claim limitations are interpreted in a broadest reasonable manner.

Regarding claims 66 and 71, Fujita teaches the driving portion 5 may be provided at only one place or at more than one places on the peripheral portion of the touch panel 3 such that the

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driving portion 5 drives the touch panel (3) to give a tactile feedback as mentioned above (col. 5, lines 57-59). Fujita also discloses a touch panel 3, which is supported by a touch-panel support plate 4, which is formed into a frame like structure (col. 4, lines 1-18)

Regarding claims 67-69, Fujita teaches the display unit with touch panel comprising a display body having a display screen for displaying images such as characters, patterns, symbols and the like; (col. 2, lines 37-52). Fujita also teaches an operated-position detecting circuit (10), along with inputting of the driving signal DS which actuates the driving portion (5) to drive the touch panel (3) into displacement whereby the operator is provided with the tactile feedback. See col. 9, lines 25-40.

Regarding claim 70, Fujita teaches the use of an image data output device such a computer (col. 1, lines 23-24), press detection switch 6, which may be provided at one place and more than one places of the peripheral portion of the touch panel 3 (col. 4, lines 29-30), and the driving portion 5, which may be provided at only one place or at more than one places on the peripheral portion of the touch panel 3 (col. 5, lines 57-59).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I. Abdulsalam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Abbas I Abdulsalam/

Primary Examiner, Art Unit 2629

December 08, 2008